

Notice of Allowability

Application No.

09/974,525

Examiner

O'Connor

Applicant(s)

Ashizaki et al.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed January 22, 2007.
2. ☒ The allowed claim(s) is/are 1-9 and 11.
3. ☒ The drawings filed on October 10, 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

The closest prior art, von Rosen et al. (US 6,493,677), discloses a merchandise order receiving system comprising: an order controlling apparatus (34) connected with a plurality of communication terminals (32); an image storing apparatus (100) for storing character information and/or image information; a charging and settlement apparatus (36); an order receiving apparatus (34); a print out apparatus (40; 46); a merchandise assembling apparatus (50); a merchandise shipping terminal (52); and, an image processing apparatus generating a preview display of the image(s).

However, von Rosen et al. fails to disclose, or fairly suggest, any ability for the system to be used to select image data for customizing the merchandise by incorporating a hologram of the selected image, nor even any use of a printed hologram or holographic stereogram as printed matter at all, nor extracting a series of images from an image string to produce the hologram or holographic stereogram, nor generating a preview image of the merchandise incorporating the hologram of the selected image data for preview display to the user, nor connecting the image storing apparatus by a separate network to the order controlling apparatus.

While Weder (US 6,444,072) teaches the use of printing holographic images on merchandise (see paragraph bridging columns 5-6), and Simpson et al. (US 6,466,205) teaches extracting a series of images from an image string to produce a hologram or holographic

stereogram, to have combined all three references into a single combination would: (1) not reasonably have been considered obvious to one of ordinary skill in the art, at the time of the invention; and (2) still not have produced the entirety of the instant invention, as claimed, at least for lack of connecting the image storing apparatus by a separate network to the order controlling apparatus.

2. Note that, though expressly included in the search for prior art, no foreign patents, nor any non-patent literature were identified that could reasonably be considered sufficiently relevant or pertinent so as to be characterized and addressed as “closest prior art.”
3. Any comments considered necessary by applicant must be submitted no later than payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”
4. PLEASE TAKE NOTICE, that failure by the examiner to respond to any such statement commenting on reasons for allowance does not give rise to any implication. See 37 CFR § 1.104(e).
5. Likewise, the failure of applicant to comment on the examiner’s statement of reasons for allowance should not be treated as acquiescence to the examiner’s statement. See *Salazar v. Procter & Gamble Co.*, 414 F.3d 1342, 1347, 75 USPQ2d 1369, 1373 (Fed. Cir. 2005).

Conclusion

6. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(571) 272-6787**, and whose facsimile number is **(571) 273-6787**.

Official replies to this Office action may now be submitted electronically by registered users of the EFS-Web system. Information on EFS-Web tools is available on the Internet at: <http://www.uspto.gov/ebc/portal/tools.htm>. An EFS-Web Quick-Start Guide is available at: <http://www.uspto.gov/ebc/portal/efs/quick-start.pdf>.

Alternatively, official replies to this Office action may still be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies should be directed to the central fax at (571) 273-8300.** Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC

June 5, 2007

 6/5/07

Gerald J. O'Connor
Primary Examiner
Group Art Unit 3627